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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,595

12/03/2003

Jae-Jin Lyu

21C-0334

4849

23413

7590

10/23/2006

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EXAMINER

CHEN, WEN YING PATTY

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/725,595	Applicant(s) LYU, JAE-JIN	
	Examiner W. Patty Chen	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 and 8-35 is/are pending in the application.
- 4a) Of the above claim(s) 8-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6 and 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's Amendment filed on Aug. 9, 2006 has been received and entered. Claims 2-6 and 8-35 remain pending in the current application, however, claims 8-32 are withdrawn from consideration.

Claim Objections

Claims 33-35 are objected to because of the following informalities: Claims 33-35 were previously presented in the Amendment filed on Feb. 22, 2006, therefore, claims 33-35 should not be labeled as NEW. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-6 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiyama et al. (US 2002/0140588) in view of Jones et al. (US 6124907) further in view of Gunning, III et al. (US 5638197).

With respect to claim 5 (Amended): Nishiyama et al. disclose in Figure 1 a liquid crystal display apparatus comprising:

- a first transparent substrate (element 134);
- a second transparent substrate (element 111) facing the first transparent substrate;
- a liquid crystal layer (element 120) interposed between the first and the second substrates; and
- a retardation layer (element 116) interposed between the first and second transparent substrates, and compensating phase difference of light that passes through the liquid crystal layer; and
- a color filter layer (element 113) disposed on the second transparent substrate, wherein the retardation layer is disposed on the color filter layer.

Nishiyama et al. fail to specifically disclose that the retardation layer has a function of a biaxial film and that the retardation layer is disposed directly on the color filter layer.

However, Jones et al. disclose in Column 9 lines 62 and Figure 1 a liquid crystal display apparatus comprising a retardation layer (element 17) having a function of a biaxial film interposed between the first and second transparent substrate and Nishiyama et al. disclose in Paragraph 0054 that the retardation layer can be disposed in any place between the common

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electrode and the transparent substrate, thus, it is obvious that the retardation layer can be disposed directly on the color filter layer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct a liquid crystal apparatus as taught by Nishiyama et al. wherein the retardation layer has a function of a biaxial film as taught by Jones et al., since biaxial retardation films exhibit better display contrast and wider viewing angles, as taught by Gunning, III et al. (Abstract) and wherein the retardation layer is disposed anywhere between the common electrode and the transparent substrate as taught by Nishiyama et al., since Nishiyama et al. teach that by placing the retardation layer between the common electrode and the transparent substrate has the advantage of diminishing the leakage of light (Paragraph 0054).

As to claims 2-4: Nishiyama et al. disclose all of the limitations set forth in claim 5, but fail to specifically disclose the composition of the retardation layer.

However, Jones et al. teach the use of internal retarder/polarizer corresponding to Figures 1 and 9, wherein the retardation layer comprises a cholesteric liquid crystal polymer including reactive mesogen mixture (Column 12, lines 39-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct a liquid crystal display apparatus as taught by Nishiyama et al. wherein the retardation layer has the properties as taught by Jones et al., since Jones et al. teach that having such retarder/polarizer helps in improving contrast ratios in the display due to the minimization of the de-polarizing of color filters (Abstract).

With respect to claim 6 (Amended): Nishiyama et al. disclose in Figure 1 a liquid crystal display apparatus comprising:

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a first transparent substrate (element 134);
a second transparent substrate (element 111) facing the first transparent substrate;
a liquid crystal layer (element 120) interposed between the first and the second substrates; and
a retardation layer (element 116) interposed between the first and second transparent substrates, and compensating phase difference of light that passes through the liquid crystal layer;
a color filter layer (element 113) disposed on the second transparent substrate; and
a protection layer (element 114) disposed directly on the color filter layer,
wherein the retardation layer is disposed on the protection layer.

Nishiyama et al. fail to specifically disclose that the retardation layer has a function of a biaxial film and that the retardation layer is disposed directly on the protection layer.

However, Jones et al. disclose in Column 9 lines 62 and Figure 1 a liquid crystal display apparatus comprising a retardation layer (element 17) having a function of a biaxial film interposed between the first and second transparent substrate and Nishiyama et al. disclose in Paragraph 0054 that the retardation layer can be disposed in any place between the common electrode and the transparent substrate, thus, it is obvious that the retardation layer can be disposed directly on the protection layer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct a liquid crystal apparatus as taught by Nishiyama et al. wherein the retardation layer has a function of a biaxial film as taught by Jones et al., since biaxial retardation films exhibit better display contrast and wider viewing angles, as taught by Gunning,

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III et al. (Abstract) and wherein the retardation layer is disposed anywhere between the common electrode and the transparent substrate as taught by Nishiyama et al., since Nishiyama et al. teach that by placing the retardation layer between the common electrode and the transparent substrate has the advantage of diminishing the leakage of light (Paragraph 0054).

As to claims 33-35: Nishiyama et al. disclose all of the limitations set forth in claim 6, but fail to specifically disclose the composition of the retardation layer.

However, Jones et al. teach the use of internal retarder/polarizer corresponding to Figures 1 and 9, wherein the retardation layer comprises a cholesteric liquid crystal polymer including reactive mesogen mixture (Column 12, lines 39-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct a liquid crystal display apparatus as taught by Nishiyama et al. wherein the retardation layer has the properties as taught by Jones et al., since Jones et al. teach that having such retarder/polarizer helps in improving contrast ratios in the display due to the minimization of the de-polarizing of color filters (Abstract).

Response to Arguments

Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. Patty Chen whose telephone number is (571)272-8444. The examiner can normally be reached on 8:00-5:00 M-F.

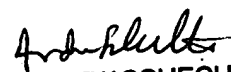
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Nelms can be reached on (571)272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

W. Patty Chen
Examiner
Art Unit 2871

WPC
10/13/06


ANDREW SCHECHTER
PRIMARY EXAMINER